

Legal Aid in Cook County

A Report on Basic Trends in Need, Service and Funding

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Introduction

COOK COUNTY'S PRO BONO AND LEGAL AID delivery system is designed to help low-income and disadvantaged Chicagoans obtain the protections of our civil legal system and is an integral piece of both our justice system and our community's safety net. Each day, over 30 organizations help thousands of low-income people resolve serious issues that threaten their safety and independence, including issues such as domestic violence, mortgage foreclosure and obtaining public benefits wrongfully denied.

In the past 7 years, the pro bono and legal aid system serving Cook County has grown significantly. Thanks to increases in funding, improvements in efficiency and continued innovation, Cook County's pro bono and legal aid organizations are serving more than twice as many people as seven years ago, reaching almost 180,000 people in 2009. Funding from various sources—particularly the legal community and foundations has increased during this time, though government's share of overall funding for legal aid has not kept pace.

The advances made by the pro bono and legal aid system, however, are still not adequate to respond to the needs of the number of low-income people in Chicago and Cook County suburbs, which has grown during the same period. In 2009, over 25% of the County's residents were at or close to the poverty level, with the numbers of low-income people growing both in the city of Chicago and the suburbs of Cook County. Even prior to the economic downturn, pro bono and legal aid providers struggled to meet the legal needs of this population. In 2010, pro bono and legal aid organizations report that demand for their services is soaring at the same time revenue from all sources is flat or declining.

While great progress has been made, much work remains. A broad base of stakeholders—led by the legal community and also including foundations, corporations and other dedicated individuals and entities—must continue to support the work of our community's pro bono and legal aid system. For our community to have a system that can serve everyone in need, however, government at all levels must significantly step up its support as part of its fundamental responsibility to ensure equal access to justice. Pro bono and legal aid organizations help keep families and the communities in which they live stable. Without their help, thousands of low-income people are left to solve complex legal problems on their own, which may result in loss of their home, personal safety or economic stability. Our nation's promise of equal justice for all cannot succeed without a secure and well-funded pro bono and legal aid system.

This report provides an update on the state of this system, including the current demand for services, how services are being provided and where funding comes from for this work. The Chicago Community Trust provided major funding support for the report in partnership with The Chicago Bar Foundation. Data for the report were provided by legal aid organizations and independent sources. Analysis of the data were provided by Rob Paral & Associates as well as staff of The Chicago Bar Foundation.

We hope that this report will inform and energize all stakeholders to build on the progress of recent years and bring us closer to a justice system that is truly accessible to everyone in our community.

Key Findings

COOK COUNTY'S PRO BONO AND LEGAL AID SYSTEM is designed to help low-income and disadvantaged Chicagoans obtain the protections of our civil legal system and is a critical piece of the community's safety net.

The Need for Legal Aid

- **Previous studies have found that about half of low-income Cook County households have a civil legal need each year.**
 - That translates to at least 600,000 persons having a need for legal aid services in Cook County this year.
- **Cook County has a large and growing low-income population**
 - A large percentage of County residents are at or close to the poverty level. About 25.9%, or 1,347,000 people, are at or below 150% of the federal poverty guidelines.
 - A family of four with a household income of less than \$31,800 is below 150% of the federal poverty guidelines.
- **Need is expanding to the suburbs**
 - The numbers of persons in poverty are growing in the City of Chicago and also growing substantially in suburban Cook County
 - The Cook County poverty population grew by more than 211,000 people over the past 9 years.
- **Legal aid providers describe growing needs with nearly all major types of legal problems on the rise.**
 - Providers describe an inability to meet increasing needs for help.
 - CARPLS, Cook County's legal aid hotline, had resources to respond to only 1/3 of the nearly 120,000 calls received in 2009 due to the large volume of calls.
 - Requests for help with mortgage foreclosure, consumer problems, bankruptcy, and family law problems are on the rise.
- **From 2008 to 2009, CARPLS reported a 58% increase in housing law calls, a 34% increase in consumer law calls and a 10% increase in family law calls.**
- **Almost 48,000 foreclosure cases were filed in Cook County in 2009, a threefold increase from just four years ago.**

- **The number of personal bankruptcies filed by Cook County residents more than doubled from 2006 to 2009 with 2010 filings on par to exceed 2009 filings.**
 - People asking for help from legal aid and pro bono organizations are increasingly distressed and are in more desperate situations with fewer options available to them.
- **Legal aid providers are seeing greater numbers of previously middle class clients impacted by job loss, foreclosure and divorce caused by economic issues.**
- **Clients' needs are more difficult and their situations are more tenuous with increasing numbers close to becoming homeless due to economic stress.**

The Response

- **In Cook County, legal aid organizations are serving more than twice as many people as just seven years ago. The types and levels of legal services delivered are changing.**
 - A record 179,000 cases were handled by legal aid organizations in Cook County in 2009, ranging from brief service and advice to extended litigation.
 - In response to an explosion of self-represented litigants and increasing need, legal aid organizations are providing more brief services to people; CARPLS Legal Aid Hotline and court-based help desks are responsible for much of the overall caseload increase.

The number of people served through the CARPLS Legal Aid Hotline and the 4 court-based help desks administered by CARPLS has increased from 22,780 in 2005 to over 50,000 in 2009.

The number of court-based help desks in Cook County has grown from 2 desks in 2000 to 10 desks today; in 2009, these 10 desks served over 36,000 self-represented litigants.
 - While the vast majority of services are provided by staff, cases handled by pro bono attorneys have increased over the past few years.
 - In addition to the cases handled, in 2009 almost 1 million people statewide visited www.illinoislegalaid.org, a free website for legal information and resources for the public.
- **An analysis of zip codes of individuals served by three of the major legal aid providers (CARPLS, Chicago Legal Clinic and Legal Assistance Foundation of Metropolitan Chicago) shows principal concentrations of legal aid clients are in the City of Chicago in low-income neighborhoods on the south and west side communities of Englewood, West Garfield Park and Austin.**
- **Legal aid services are provided to all major racial/ethnic communities in the region. Of clients served by CARPLS in 2009, 52% were African American, 22% were Latino, 3% were Asian and 20% were White.**

Legal Aid Funding Trends

- **Overall funding for legal aid grew significantly during the past 7 years.**
 - Revenues grew 64% from 2003 to 2009, while the number of people served by legal aid rose 105% in the same time period.
- **Government is the largest supporter of legal aid, but its overall role is shrinking.**
 - Government provides a third of funding for legal aid, but its overall share of legal aid funding is not keeping pace.
- **Chicago's legal community, both directly and through The Chicago Bar Foundation, has significantly increased its support for pro bono and legal aid.**
- **The Chicago Bar Foundation's support of legal aid has increased substantially.**
 - Tenfold increase over the past ten years
 - CBF grants now exceed \$2.5 million annually
- **Support for legal aid by other foundations like The Chicago Community Trust and its affiliates and the Polk Bros. Foundation has grown significantly.**
- **Annual support for legal aid by The Chicago Community Trust and affiliated funds has grown, and ranges from \$400,000 to \$1.2 million over the last decade.**
- **Support from the Lawyers Trust Fund of Illinois, the largest single state-based funder of legal aid, also has grown, aided by new Illinois Supreme Court Rules that increased funding, and higher interest rates earlier in the decade.**
- **All funding sources for legal aid were under pressure in 2009 and 2010, with overall revenues declining.**
 - Due to historically low interest rates, IOLTA funding fell by $\frac{1}{3}$ in 2009.
 - State funding for legal aid through the Illinois Equal Justice Foundation was cut by 50% in 2009.

The State of Legal Aid Providers

- **In the period 2003–2009, funding for legal aid increased; beginning in 2009, overall funding began to decline as the economic climate significantly changed.**
 - Although the legal aid delivery system has grown over the past 7 years, the system cannot keep pace with the increasing demands and providers are struggling in a time of recession.
 - “Funding pressures” cited by majority of surveyed providers
 - Many organizations funded by the State of Illinois struggle with cash flow issues while waiting for the State to make overdue grant payments; some payments are now almost a year behind.
 - There are only about 300 full-time legal aid attorneys to serve the civil legal needs of over 1.3 million low-income people in Cook County.
- **Providers report staffing challenges caused by**
 - Hiring and salary freezes
 - Lack of administrative support
 - Fear of potential layoffs
- **Legal aid attorney salaries improving**
 - Legal aid attorney salaries have increased since 2006 but are still not on par with comparable public sector positions.
 - However, with the downturn in the economy, many organizations have frozen salaries, thereby suspending progress made in the past 4 years.

Overview

EQUAL ACCESS TO JUSTICE IS A FUNDAMENTAL principle of our democracy. Our laws guarantee basic rights and protections for all of us — not just those who can afford a lawyer. “Civil legal aid¹” is free legal advice, representation or other legal assistance provided to low-income and disadvantaged people who have civil legal problems and cannot otherwise afford legal help. Services can range from educating clients about their rights and responsibilities to extended legal representation to resolve more complex problems. Legal aid helps low-income people defend and assert important legal rights that often involve the most fundamental aspects of life—personal and family safety, homeownership and shelter, economic security and health care. For many clients, obtaining these services mean the difference between hunger and food on the table, bankruptcy and economic stability, and abuse and physical safety.

More than a million low-income individuals live in Cook County, Illinois, and each year a large portion of these people and their families encounter civil legal needs that they are not able to resolve on their own and for which they cannot afford to hire an attorney to help them. Cook County is fortunate to be home to a network of over 30 pro bono and legal aid providers that serve low-income persons. With a mix of 300 full-time staff attorneys and thousands of volunteer attorneys, these organizations provide a range of assistance including brief advice and counsel over the telephone or in person, representation during litigation, and advocacy in front of government entities. Some groups offer a comprehensive range of services across the major areas of civil legal needs, such as housing, consumer and family law problems, while other agencies specialize in the legal needs of specific population such as the elderly or persons with disabilities. Confronting the huge array of legal needs seen among the low-income population, however, is a constant challenge for these groups, and there are chronic shortages of revenue with which to meet the growing need.

People with legal needs, legal aid providers and foundations are all confronting a local economy that puts upward pressure on need and downward pressure on resources. Added to the economic context are major shifts in demography within Cook County. Some groups are aging, others are moving from one area to another in large numbers, and new populations are emerging through immigration. The difficult economy causes interlocking and complex effects on families who may simultaneously need help with housing, public assistance and family law problems.

This report addresses some of the major currents affecting legal aid in Cook County, describing important trends in need, in service provision and in financial resources made available to pro bono and legal aid organizations. It is a snapshot of Cook County’s pro bono and legal aid delivery system in 2010. A look at the state of legal aid services is merited by the economic shifts buffeting the county and also by the need to assess the current state of Cook County’s diverse pro bono and legal aid system.

1.) This report focuses on the civil pro bono and legal aid system in Cook County. It does not include data or analysis of the criminal justice system. There is no constitutionally guaranteed right to counsel in civil cases as exists in the criminal justice system. In Cook County, the primary providers of free criminal legal defense to low-income people are the Cook County Public Defender’s Office, the State Appellate Defender’s Office and the Federal Defender’s Office.

What Are the Needs for Legal Aid?

Cook County's legal aid system is a critical piece of our community's safety net

Cook County's legal aid system is comprised of a network of over 30 nonprofit organizations dedicated to providing free or low-cost legal aid to low-income and disadvantaged people. (A list of these organizations appears in the Report Appendix.) These organizations vary in size and focus, with some providing services countywide to help with a broad range of civil legal problems and others focused on a particular community, population or issue. Only about 300 full-time equivalent attorneys work at these organizations.

Every day in Cook County...

- Women and children are abused and seek the protections of our legal system.
- Frail seniors are threatened by abuse and financial exploitation.
- Disabled children are denied the help they need to succeed in public schools.
- Families lose their homes in foreclosures or evictions, often unnecessarily.
- Veterans are denied important government services.
- Families cannot access health care services that they need.

These are just a few examples of the types of legal problems that low-income and disadvantaged people in Cook County face every day. Many people struggle to understand their legal rights and obligations. They often feel helpless when faced with these serious problems. Without help from one of Cook County's legal aid organizations, they are left to solve often complex problems on their own. By educating them and protecting their rights, legal aid organizations keep these problems from spiraling into crises and enable these vulnerable people to play a fuller role in society.

Legal aid providers describe growing legal needs; increased economic distress in communities

Rob Paral and Associates surveyed 22 legal aid providers in May 2010 to obtain information on the state of the legal aid delivery system in Cook County. A majority of the legal aid providers (16 of 22 responses) reported increased demand for legal services. A typical comment was: "We have noticed an increased need for family law services. We do not handle family law cases and have had difficulty referring families to other legal service agencies where they can actually get help." Another provider wrote that requests for help were up as follows over the previous year: "Foreclosure up 230%, Bankruptcy up 210%, Evictions up 163%, Consumer Debt/Collection up 64%, Family Law/Divorce up 52%."

"Requests for help were up over the previous year: Foreclosure up 230%, Bankruptcy up 210%, Evictions up 163%, Consumer Debt/Collection up 64%, Family Law/Divorce up 52%."

— LEGAL AID PROVIDER

Half of the providers (11 of 22) singled out housing-related demands, in particular problems with mortgage foreclosure. One provider cited a “Huge demand for legal and social services for tenants being displaced due to foreclosure of the multi-family rental buildings,” and another listed the following as a change being witnessed by his agency: “The huge rise in foreclosures and related issues (renters in foreclosed buildings, mortgage rescue fraud scams).”

“[We’re receiving] more requests for help with mortgage foreclosure or evictions related to mortgage foreclosure. More victims of domestic violence [are] staying with abusers because they can’t afford to leave. More calls from former clients who are not getting court ordered child support due to loss of job by the non-custodial parent.”

— LEGAL AID PROVIDER

The survey of legal aid providers asked about changes taking place apart from purely the demand for legal assistance. About half the providers who responded to the question (11 of 20) described seeing increasingly distressed populations. “Clients’ needs are more difficult and their situation is more tenuous—many are very close to becoming homeless due to job loss, etc.” said one respondent, while another commented that “I think there is a somewhat more stressed and desperate emotional tenor to the client population than in the recent past due to the general economic stress.”

Previous studies established that half of low-income households have a civil legal need

Slightly more than 50 percent of all low-income households in Cook County have civil legal needs, according to a 2003 survey conducted by the Lawyers Trust Fund.² This survey found that this number is even higher for households that include a member with a disability; almost 75 percent of these households experienced at least one legal problem. The most common categories of legal problems involved consumer, housing and family law problems. Many of these problems are complex with serious outcomes for the people left to represent themselves, including domestic violence, loss of child custody, divorce, loss of their home through eviction or foreclosure and loss of public benefits.

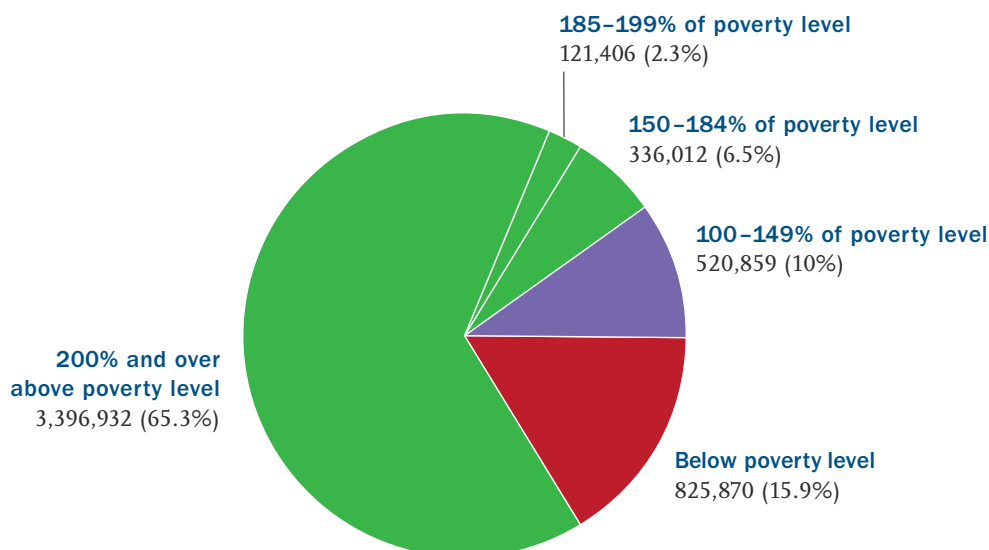
Cook County has a large and growing low-income population

Cook County has an acute need for legal aid for low-income persons in part because of the sheer size of the population in poverty. For purposes of this report, “low-income” refers to households with annual incomes below 150 percent of poverty or \$33,075 for a family of four.³

2.) Lawyers Trust Fund of Illinois (2005) The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans. Chicago: Lawyers Trust Fund of Illinois.

3.) As of 2009 there were over 825,000 persons living below the poverty level in the county, representing 16 percent of all countywide residents. These individuals, in fact, are only a portion of the population eligible for services from legal aid providers in Cook County: many of these organizations take on clients up to 150 or 200 percent of the poverty level.

One of Four Cook County Residents Are Below or Close to the Poverty Level



Source: American Community Survey, 2009

Cook County is an extremely diverse population center that includes large numbers of persons who belong to groups that are traditionally underserved by legal aid. These include immigrants, persons with disabilities, the lesbian/gay/bisexual/transgendered (LGBT) community, and others. The unique needs of these groups are a challenge to serve in the current environment of limited resources.

With respect to immigrants, between 2000 and 2009 the foreign-born population grew by almost 27,000 persons in Cook County. At the same time immigrants were increasingly living in the suburbs (41 percent of Cook County immigrants were in the suburbs in 2000, but by 2009 some 46 percent resided in the suburbs). Not all immigrants have poverty-level incomes, but they are disproportionately below 150% of the poverty line. Besides experiencing the civil legal needs that all groups encounter, immigrants furthermore can have complicated and serious legal needs related to adjustment of status and naturalization or to immigration-specific public benefit policies.

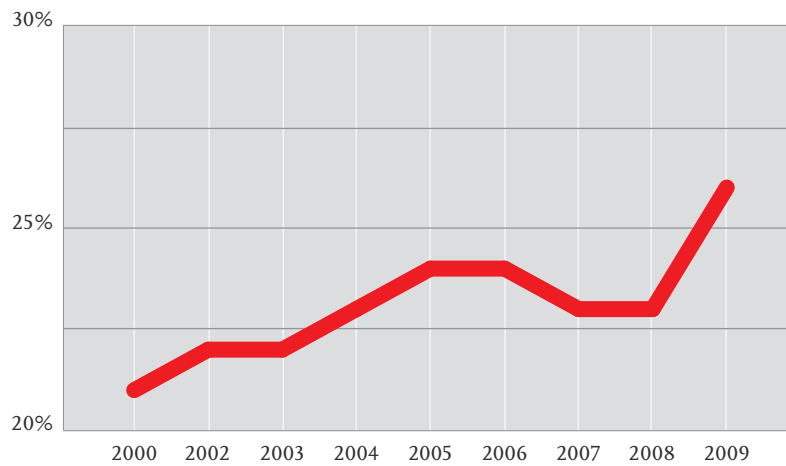
Need is increasingly in the suburbs

Cook County is a dynamic area with important population shifts that affect legal aid providers. The county population of low-income persons (i.e., below 150 percent of the poverty level) grew by 211,000 persons between the years 2000 and 2009, yet the poverty population grew at different rates in sub-regions of the county. The number of low-income persons rose by 85,000 in Chicago and by 127,000 in suburban Cook County.

Poverty and need have worsened in recent years

While Cook County already has a substantial population of low-income individuals and families, the extent of poverty has worsened over the past decade. As of year 2000, 21.5 percent of the county was below 150 percent of the poverty level, but by 2009 some 25.9 percent of persons were at this level of poverty.

Poverty is Trending Higher in Cook County



Source: U.S. Census Bureau

Persons Below 150% of Poverty — Cook County (City v. Suburbs)

Year	Cook County	Chicago	Suburbs
2009	1,346,729	937,595	409,134
2008	1,217,628	843,223	374,405
2007	1,210,551	850,463	360,088
2006	1,277,289	882,903	394,386
2005	1,230,132	862,400	367,732
2004	1,226,978	883,996	342,982
2003	1,172,448	851,767	320,681
2002	1,172,624	839,493	333,131
2001	Not Available	N/A	N/A
2000	1,135,327	852,959	282,368

Source: U.S. Census Bureau

Data compiled by The Heartland Alliance give further indication of the need for legal assistance. Some 40 percent of the county lives in households with incomes below the “self-sufficiency standard” for a single parent with two children, according to a recent Heartland Alliance report.⁴ Large numbers of county residents have low consumer credit scores, personal bankruptcies are up 163 percent in a recent three-year period, and personal debt is \$12,094 on average across the county. Given the often high cost of legal assistance at private market rates, many county residents with civil legal problems would not be able to navigate the legal system and exercise their rights without the assistance of the pro bono and legal aid network in Cook County.

4.) Terpstra, A., Rynell, A., & Carrow, L. (2010). 2010 Report on Illinois Poverty. Chicago: Social IMPACT Research Center.

Indicators of Poverty in Cook County

	Illinois	Cook County
Poverty rate, 2008	12%	15%
Number of people in poverty, 2008	1,529,235	767,182
Child poverty rate, 2008	17%	22%
Percent of consumers with credit scores under 580, June 2009	15%	17%
Unemployment rate, Dec 2009	11%	11%
Bankruptcies per 1,000 people, 2009	5.56	6.27
Average personal debt, June 2009	\$11,338	\$12,094

Source: 2010 Report on Illinois Poverty, Heartland Alliance

Discussion: What Are the Needs for Legal Aid?

The critical need for legal services is growing in ways that challenge the legal aid community in Cook County. Poverty in Cook County is on the upswing, and it is well documented that the expanding poverty and near-poverty populations need a substantial amount of legal assistance. Increasing demand for service in a struggling economy raises questions about whether service capacity is adequate to maintain even a status-quo level of legal aid.

Critical shifts are occurring in the nature of legal service need. The growth in housing-related civil legal problems demonstrates that the mix of legal services available to low-income people needs to evolve constantly. Suburbanization of poverty means that the strategies for helping people in need must keep shifting. The specialized needs of immigrant, limited-English, disabled, LGBT and other communities are also requiring legal aid providers to expand the type of assistance they provide and to develop the communicative and cultural competence needed to adequately serve all persons in need of legal aid.

How Are We Responding to Legal Aid Needs?

Legal aid organizations are responding to more legal problems

Pro bono and legal aid organizations in Cook County that are funded by The Chicago Bar Foundation report annually to the foundation on the quantities and types of problems their clients are having. These problems are categorized as consumer/utility, education, employment, family, health, housing, immigration, individual rights, juvenile, public benefits and other.

The sheer number of these legal problems responded to by the County's pro bono and legal aid organizations has grown fairly steadily over the years. This means that providers themselves are increasing their output. The legal aid providers addressed nearly 180,000 legal problems for their clients in 2009. This is an increase of 175 percent since 2002, the first year for which comparable data are available.

Nearly all major types of legal problems addressed by legal aid are on the rise

Most types of legal problems have presented themselves with increasing frequency over the past eight years. As seen in the chart below, nearly 50,000 family-law problems were addressed in 2009 compared to less than 20,000 in 2002. Consumer-related problems went from about 7,000 in 2002 to 21,000 in 2009. Housing problems rose from 9,600 to 31,000 during the same period.

Trends in Legal Problems Addressed by Legal Aid Organizations

	Consumer/Finance/ Utility	Education	Employment	Family	Health	Housing	Immigration	Individual Rights	Juvenile	Public Benefits	Other
2002	6,724	687	2,098	18,150	1,092	9,615	—	13,364	441	3,155	13,277
2003	8,645	1,684	5,375	26,975	164	22,974	—	4,382	362	1,855	9,451
2004	11,100	913	8,914	42,885	769	19,357	—	32,892	714	1,092	15,732
2005	12,567	642	5,488	37,458	239	25,548	6,793	33,092	59	815	18,635
2006	1,381	1,206	5,714	36,544	765	21,363	24,850	5,166	1,060	9,619	13,473
2007	15,443	1,409	6,398	45,422	2,874	24,262	32,025	5,187	1,286	9,754	19,984
2008	17,953	1,646	6,585	47,679	2,893	28,082	29,133	4,148	1,642	13,223	14,780
2009	21,299	1,838	7,957	47,153	2,857	31,171	27,068	5,679	1,638	8,393	23,436

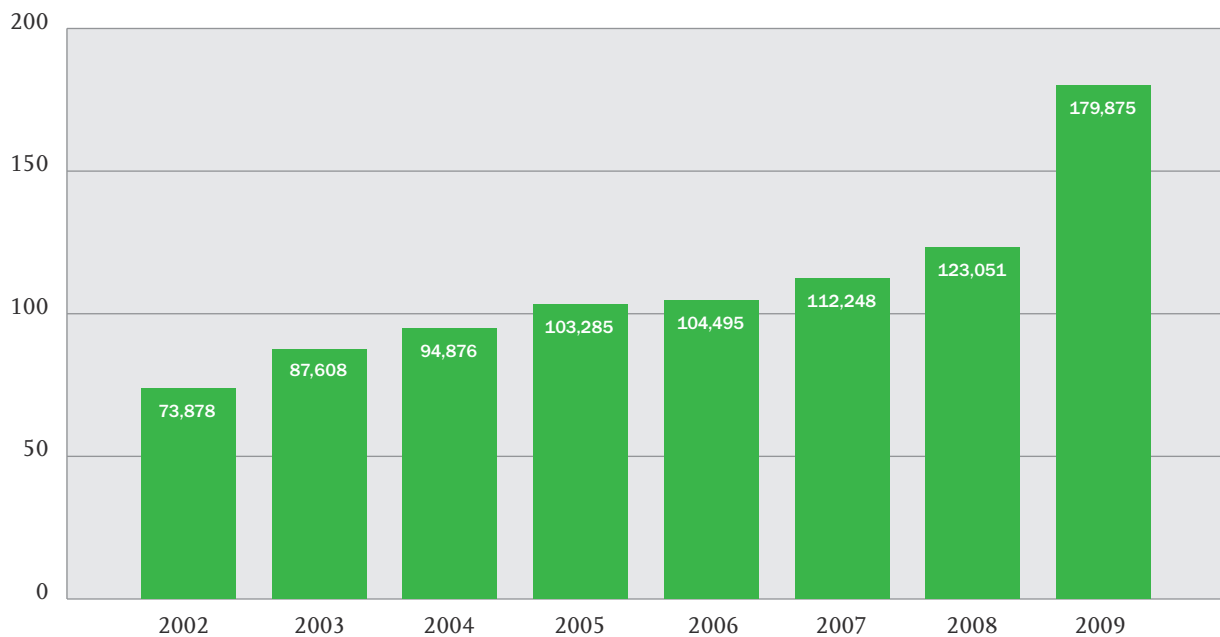
These trends mirror the increases in related court filings. For instance, foreclosure filings in Cook County exploded over the last ten years from 12,705 in 2000 to 47,049 in 2009. Foreclosure filings are on pace to exceed the number of filings in 2009 and it is anticipated that 2010 will see approximately 50,000 to 52,000 new foreclosure filings in Cook County. As of June 30, 2010, the Circuit Court of Cook County had 64,211 mortgage foreclosure cases pending.⁵

Consumer bankruptcy filings have also increased dramatically in the struggling economy. Illinois ranked tenth in the nation in bankruptcy filings per capita in the year ending June 30, 2010, with 6.26 filings per 1,000 residents.⁶ Bankruptcy filings in Cook County have dramatically increased between 2006 and 2009. Data from the first half of 2010 indicate more increases. In 2006, Cook County residents filed 15,131 personal bankruptcies in the Northern District of Illinois; in 2009 the number jumped to 31,825. For the first half of 2010, the number is 17,725.⁷

Legal aid organizations are handling more cases

The legal aid providers have also handled a steadily growing number of cases. In 2002, the organizations handled about 74,000 cases, and by 2009 this had risen to almost 180,000. Types of services provided ranged from brief legal services, representation in administrative hearings and litigation.

Total Cases Handled by Year (in thousands)



These case numbers are for legal work only and don't include the large number of people who receive information and referrals to other services from these organizations. The 2006 data for two organizations are estimated due to missing data.

5.) Based on data obtained from the Circuit Court of Cook County.

6.) "Bankruptcy Filings Increase 20 Percent," Chicago Daily Law Bulletin, August 17, 2010 Volume: 156 Issue: 160.

7.) Woodstock Institute, based on information received from U.S. Bankruptcy Court, Northern District of Illinois.

Providers increasingly give brief services

In response to an explosion of self-represented litigants⁸ and increasing need, pro bono and legal aid organizations in Cook County are delivering larger proportions of brief services as opposed to extended representation (with or without litigation).

While many require more extensive legal services, a large percentage of low-income and disadvantaged people seeking legal help only need brief advice or assistance. “Brief services” means the provision of brief legal advice or other brief service and can entail any one of the following (or some combination):

- Assessing the legal issue to determine possible remedies and defenses, if applicable, and whether or not a person has a meritorious case
- Helping a self-represented litigant to better understand his/her case so that a self-represented litigant’s expectations about the case are more realistic
- Offering advice and counsel on the options available to resolve the problem and how the person can best protect legal options
- Providing an overview of the legal process, including what a self-represented litigant can expect, step-by-step
- Answering specific questions that a self-represented litigant may have about the process, his/her case or legal rights
- Drafting of relevant pleadings and other forms (e.g., motion to vacate a judgment, a fee waiver petition or an appearance)
- Providing a packet of information to help guide a self-represented litigant through the process, which may include sample letters or forms
- Making a referral to a pro bono or legal aid organization if the case is too complex for a self-represented litigant to handle on his/her own
- When appropriate, making a referral to a social services organization or other resource

Pro bono and legal aid organizations deliver brief services in a variety of settings, including over the telephone, through a legal aid hotline, at a court-based help desk, at a neighborhood clinic or at an organization’s office.

Examples of this type of assistance include:

- On a legal aid telephone hotline, giving advice to a person who has recently lost their job.
- At a court-based legal help desk, advising a person facing eviction about their legal options and helping them complete the required court forms for their case.
- At a neighborhood legal aid clinic, advising a person who was denied return of their security deposit about their rights and responsibilities and helping them prepare a letter to the landlord demanding prompt return of the funds.

These are just a few common examples of the many ways that pro bono and legal organizations help low-income and disadvantaged Illinoisans through advice and brief assistance.

8.) Report on the Survey of Judges on the Impact of the Economic Downturn on Representation in the Courts, ABA Coalition for Justice, July 12, 2010; Jerry Crimmins, “Big Jump in Pro Se Cases, Chicago Daily Law Bulletin, April 25, 2009; John Keilman, “Recession Forces More to Act as Own Lawyer,” Chicago Tribune, August 5, 2009.

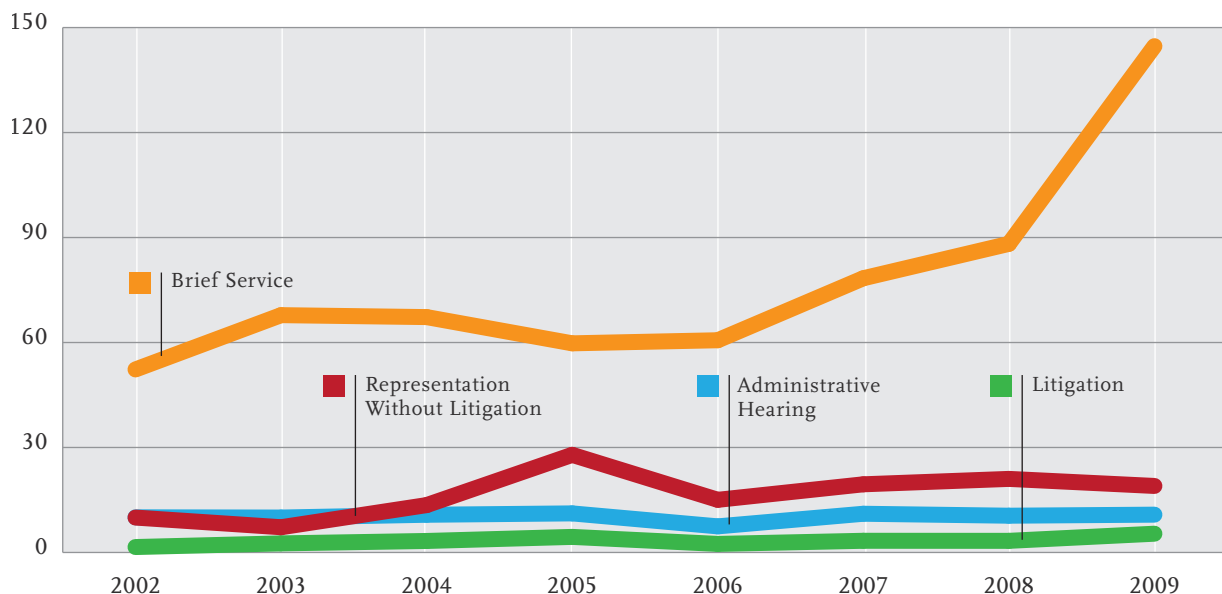
What Do the Services Involve?

Brief Service	Legal counsel and advice and/or other brief service including drafting of simple legal documents and preparation of documents for client to use on a pro se basis
Representation without Litigation	Extensive research, preparation of complex letters or other legal documents, negotiations with third party, extensive transactional work
Administrative Hearings	Representation in formal proceedings and/or hearings before an administrative agency
Litigation	Representation in court proceedings (can range from a case on behalf of an individual or one family to a class action case on behalf of thousands of people)

NOTE: This method of case reporting is based on the model established by the federal Legal Services Corporation that also is used by other legal aid funders. This model has inherent limitations in drawing comparative conclusions. For example, a litigation matter can be anything from a two-hour trial to a multi-year, complex case that involved thousands of hours of work.

In 2009 brief services represented more than 80 percent of all services provided, up from 72 percent in 2008 and 70 percent in 2007. The accompanying graph illustrates the disproportionate rise of brief services.

Types of Services Provided by Cook County Legal Aid Organizations (in the thousands)



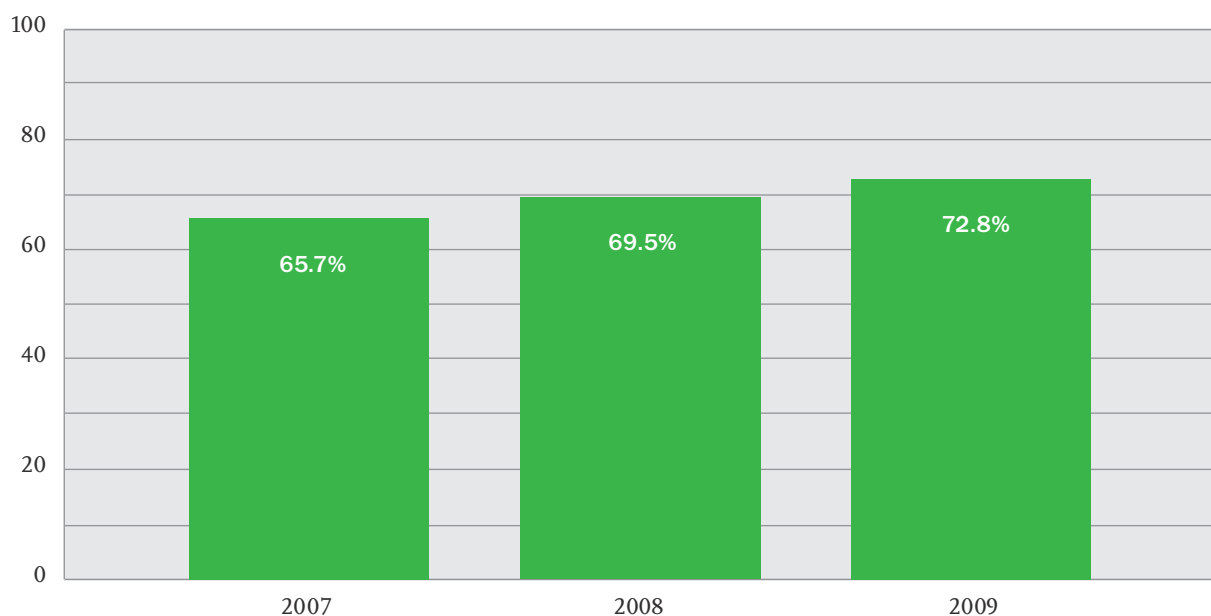
Note: The 2006 data for two organizations are estimated due to missing data.

CARPLS (Coordinated Advice and Referral Program for Legal Services) gives brief services to clients via a hotline and court-based advice desks. The number of cases managed by CARPLS has grown substantially over the years, from 22,780 in 2005 to 50,500 in 2009, raising the question of whether the growth of CARPLS has led to the overall growth of brief services among the legal aid providers.

CARPLS, in fact, provides a growing percentage of all brief services among the organizations funded by The Chicago Bar Foundation. CARPLS was the source of 24 percent of all brief services in 2007, 26 percent in 2008, and 35 percent in 2009. But the remaining grantees are also, in the aggregate, providing proportionally more brief services in recent years. Brief services were 66 percent of assistance given by legal aid organizations—excluding CARPLS—in 2007, 70 percent in 2008 and 73 percent in 2009.

A growing number of brief services are also provided at court-based help desks in Cook County. The number of these desks has grown from 2 desks in 2000 to 10 desks today.⁹ These desks, which are staffed by legal aid attorneys, were launched by the Courts in partnership with the CBF and various legal aid organizations. In 2009, these desks served over 36,000 self-represented people. The desks provide brief services in many areas of law, including divorce, child support, consumer, eviction, mortgage foreclosure, bankruptcy and criminal records (expungement and sealing of criminal records).

Brief Services as a Percent of All Legal Aid Services — Excluding CARPLS



Note: Based on 34 pro bono and legal aid organizations funded by The Chicago Bar Foundation

9.) Seven desks are located in the Circuit Court of Cook County at the Daley Center, two in federal court and one in the City of Chicago Department of Administrative Hearings.

Value of brief services

To a self-represented litigant unfamiliar with the legal system, even the most basic legal ideas or terminologies—an “appearance” or the difference between a “plaintiff” and a “defendant,” for example—can be confusing, and that, in turn, can slow down the legal process. Lack of legal representation for a litigant also presents significant problems to judges, opposing lawyers, and court administrators. Not only can there be simple frustration among attorneys and judges in interacting with self-represented litigants unfamiliar with the legal system, there are also ethical and professional considerations. For instance, litigants without legal counsel can put judges in a challenging position. A judge must find the right balance so that basic information can be provided without providing legal advice while at the same time ensuring that the case is decided in a timely manner.

Numerous reports and studies have found that brief services are valuable to self-represented litigants.¹⁰ In Illinois, a 2009 report, “Evaluating Services to Self-Represented Litigants,” concluded that advice given by attorneys at court-based help desks is “extremely helpful and on target in terms of being focused on areas of law that have the greatest demand [family, consumer and housing law] and is provided in a way that meets users’ needs.”¹¹ Self-represented litigants reported that help desk attorneys were helpful to them in understanding their next steps, feeling more confident about being able to resolve their legal problem and becoming better able to represent oneself before a judge.¹²

By way of example, in a recent case outcome study CARPLS reviewed the effectiveness of its self-help materials and brief legal advice for vacating money judgments where the debtor has a valid defense against the underlying judgment. In these cases, CARPLS attorneys at the Collections Help Desk assist in drafting a motion to vacate (or dismiss) the judgment. In a three-month period, CARPLS reported a 79% success rate resulting in the dismissal on the underlying judgment. In the absence of obtaining these orders, these self-represented litigants would have had their wages garnished and/or certain funds in their bank accounts frozen, resulting in less available dollars to meet basic needs like food and shelter. Their credit reports would also have been negatively impacted.

It is important to note that there is no “one size fits all” solution to ensure that everyone has access to justice. Rather, an integrated range of information and services must be fully available to meet the legal needs of low-income Chicagoans. Brief services allow pro bono and legal aid organizations to triage effectively and determine which cases may be appropriate for more limited advice and counsel, while at the same time identifying those cases which are too complex for a self-represented litigant to handle on her own and require extended legal representation.

10.) Bonnie Hough, *Self-Represented Litigants in Family Law: The Response of California’s Courts*, California Law Review (January 2010); Ken Smith, *Evaluation of Law Help Ontario* (November 5, 2009); *Addressing the Needs of Self-Represented Litigants in Our Courts*, The Supreme Judicial Court Steering Committee on Self-Represented Litigants, November 21, 2008 (MA).

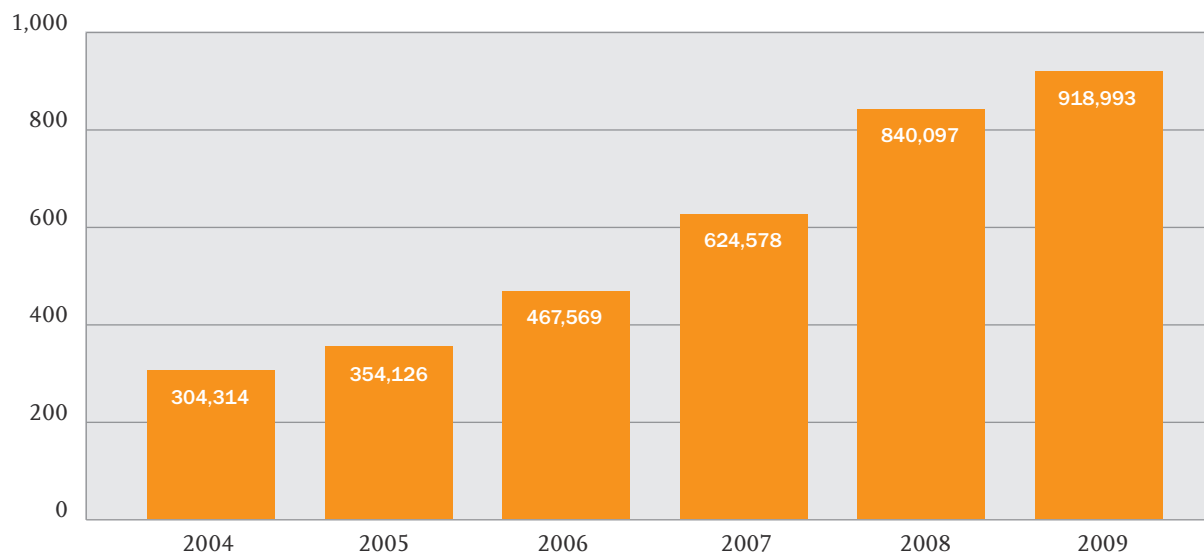
11.) Rob Paral & Associates (2009) *Evaluating Services to Self-Represented Litigants*. Prepared for the Illinois Equal Justice Foundation, September 17, 2009.

12.) *Id.*

Web-based help for pro se litigants is growing rapidly

Web-based information and resources for pro se litigants and others looking for information on legal problems is a fast-growing area. In addition to the cases handled by Cook County pro bono and legal aid organizations, in 2009 almost 1 million people statewide visited Illinois Legal Aid Online, which provides information on civil legal problems for a primarily Illinois audience. The rapid increase in visits to the web site merits noting as an example of how the legal aid community is increasingly relying on technology to supplement the legal services they provide and reach more people in need.

Visitors to Illinois Legal Aid Online (in thousands)



Legal aid services reach across the major racial/ethnic communities

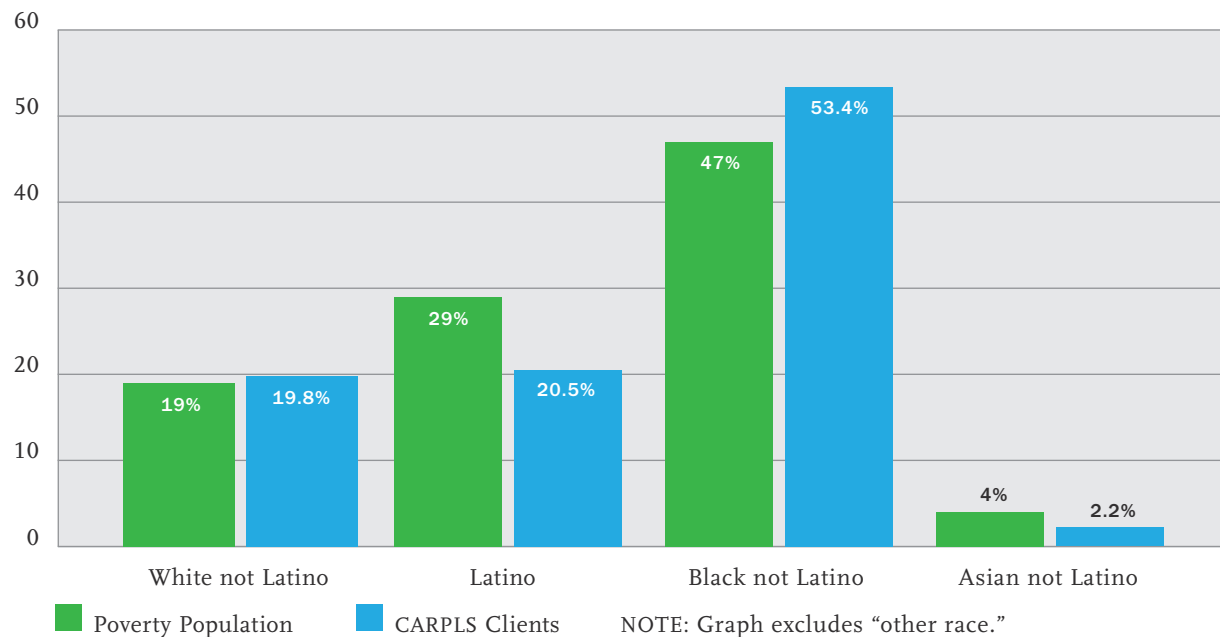
Legal aid services would ideally be distributed across the major populations in Cook County in accordance with need among those groups. One measure of whether legal services are provided equitably compares the race/ethnicity of persons below the poverty line against those who are served by legal aid providers. Ideally, services to immigrants, persons with disabilities, limited-English persons and other key populations would be capable of being measured and assessed but, unfortunately, current data collection systems do not permit a comprehensive understanding of how all major populations are served. At this point in time the most common demographic indicator collected by providers (aside from income) is the race/ethnicity of individuals who seek assistance. Expanding data collection to include other characteristics is an important goal for the legal aid community. As organizations begin to implement more sophisticated case management systems, their ability to track more demographic information on the people served should improve.

For this report only the services of one organization, CARPLS, were available by race and ethnicity. CARPLS' hotline is the entry point for tens of thousands of people in Cook County seeking legal assistance, so their intake data may be assumed to be representative of legal aid services as a whole. Data from CARPLS on the population they served in 2009 show that their cases were fairly well distributed by race.¹³ African Americans were slightly overrepresented, being 47 percent of persons in poverty in Cook County and 54 percent of CARPLS clients.

13.) The fact that services are distributed across major racial/ethnic groups does not negate the fact that due to limited resources, the current system cannot serve all the people in need.

Latinos and Asians are somewhat underserved according to the CARPLS data. Latinos are 29 percent of persons in poverty and 20 percent of CARPLS clients. Asians are four percent of the poverty population and two percent of CARPLS' clients. Information is not available to address whether issues such as language ability or immigration status may affect Latino or Asian access to legal aid services.

Cook County Poverty Population and Population Served by CARPLS



There appears to be some change taking place among the populations served, at least by CARPLS. As seen in the chart below, a slight decline of African Americans served has taken place in recent years, and the number of Latinos and Asians served has increased.

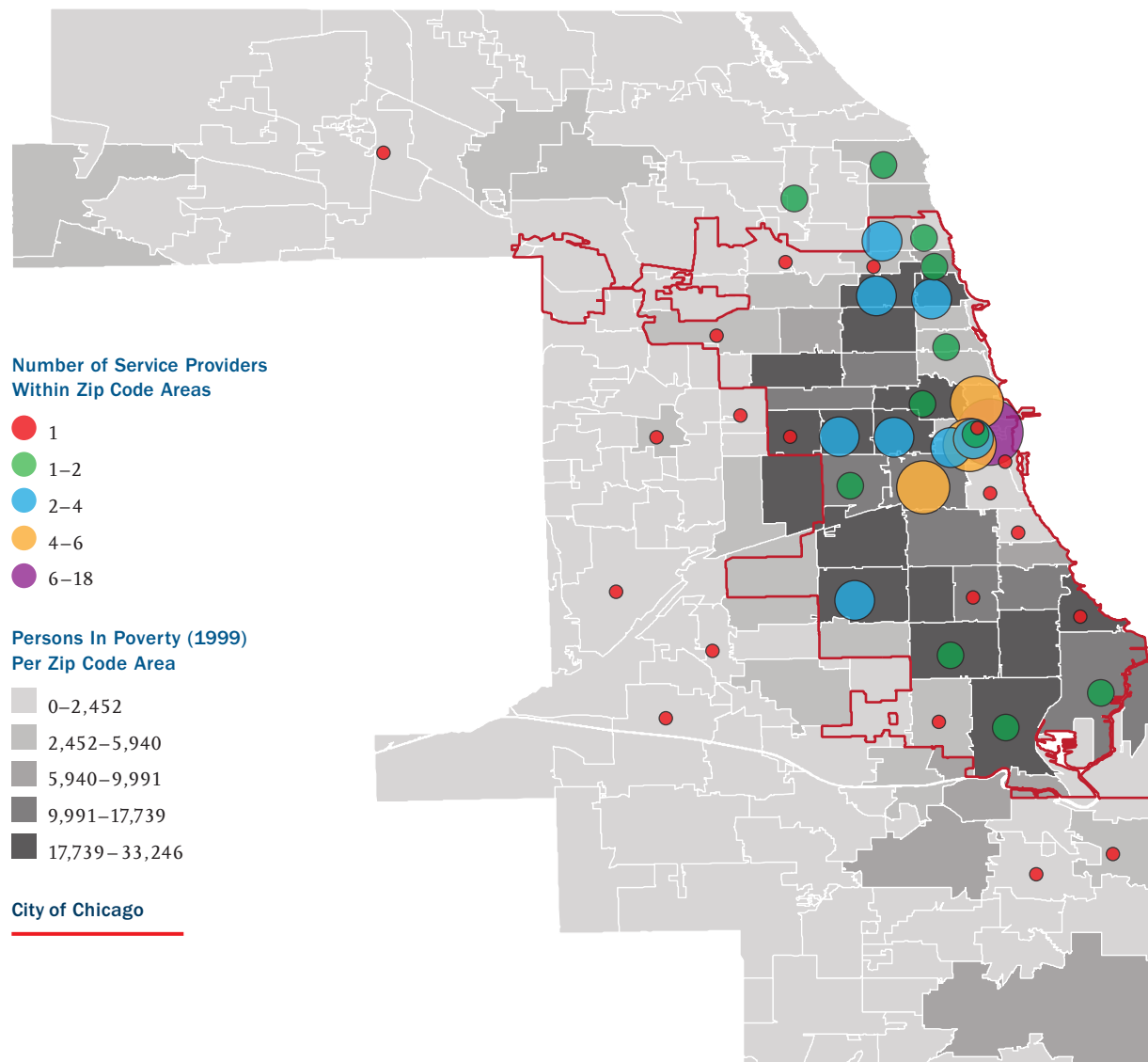
Trends in Populations Served by CARPLS

	2005	2006	2007	2008	2009
African/American	57.5%	56.7%	56.0%	56.5%	53.4%
Asian/Pacific Islander	1.6%	1.6%	1.6%	2.1%	2.2%
Latino	19.2%	20.1%	19.5%	18.7%	20.5%
Native American	0.2%	0.3%	0.2%	0.2%	0.2%
Other/Unknown	3.4%	3.0%	5.3%	4.2%	4.0%
White	18.1%	18.3%	17.3%	18.3%	19.8%

Service providers are often centralized; poverty is found across city

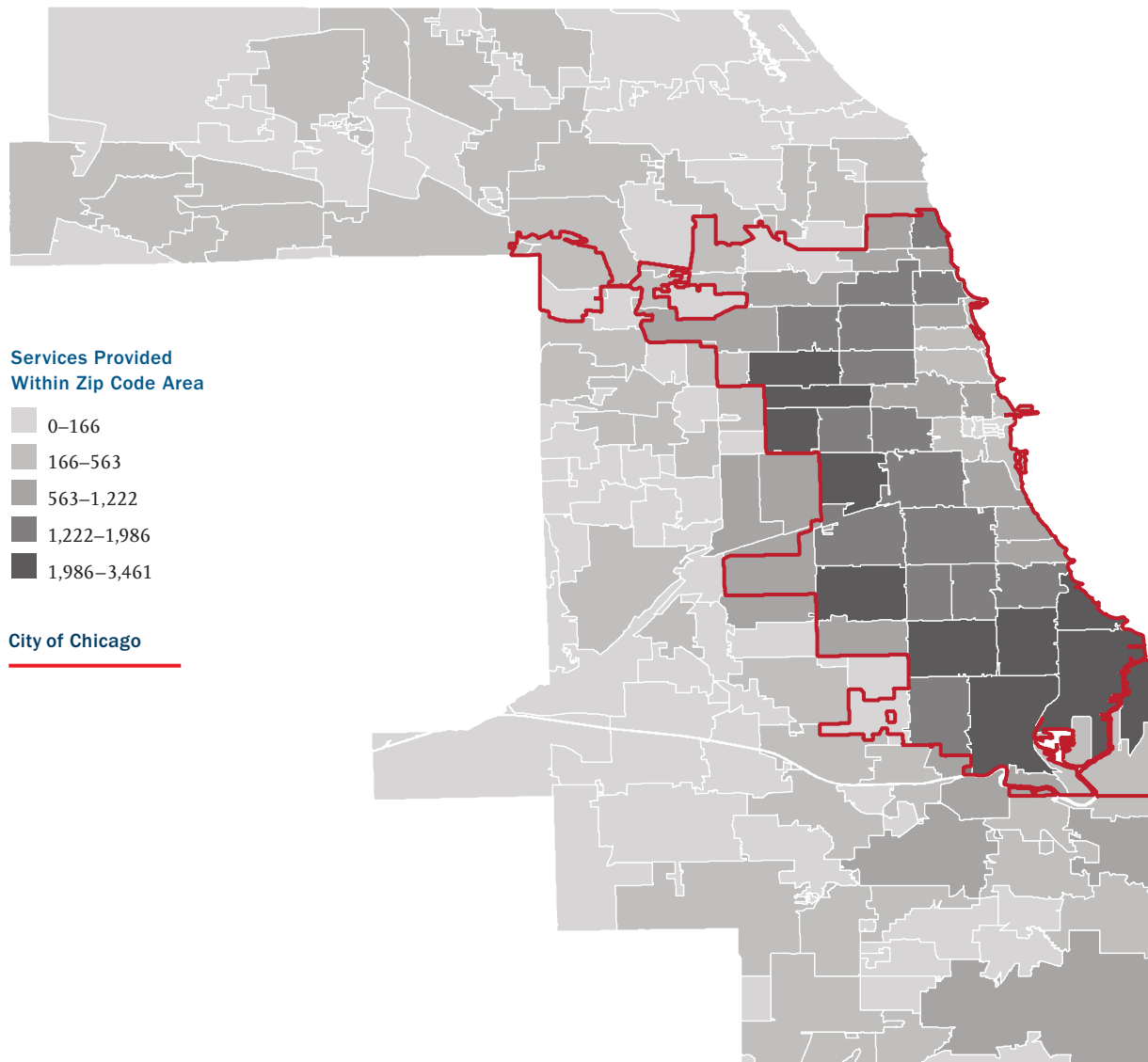
Poverty populations are not evenly distributed across the neighborhoods of the city of Chicago or in the suburbs of Cook County. As the map below shows, the largest populations of persons below the poverty level are found in somewhat of an arc that passes through north, west and south side portions of Chicago, and that encompasses suburban Cicero. Overlaid upon the poverty areas are icons that describe the number of legal aid office offices and other service locations. These include full-time, part-time and itinerant clinics offered by grantees of The Chicago Bar Foundation and CAFLS. As may be seen, many legal aid providers are located in central locations, in contrast to low-income populations that tend to be at some distance from the city center. Also notable is the low number of legal aid sites in the outer reaches of suburban Cook County.

Legal Aid Service Providers Compared To Poverty Rates



The 2000 Census is the most recent source of data on poverty by zip codes. The data represent the year 1999. While poverty has grown in Cook County, the geographic distribution shown in 1999 is still largely accurate in 2010.

Legal Aid Services Provided in Cook County



The heavier presence of pro bono and legal aid organizations in the city center is explained in large part by this being the location of the bulk of the Cook County court system. In addition, an analysis of the zip codes of individuals served by three of the major legal aid providers (CARPLS, Chicago Legal Clinic and Legal Assistance Foundation of Metropolitan Chicago) shows that legal aid providers indeed reach the areas of principal concentrations of low-income clients. Most legal aid organizations conduct outreach through community-based organizations, churches, health clinics and schools located throughout the County to reach clients in areas of need. The zip codes highlighted in the map above generally correspond to the areas of high poverty described above.

The great majority of cases at legal aid organizations are handled by paid staff

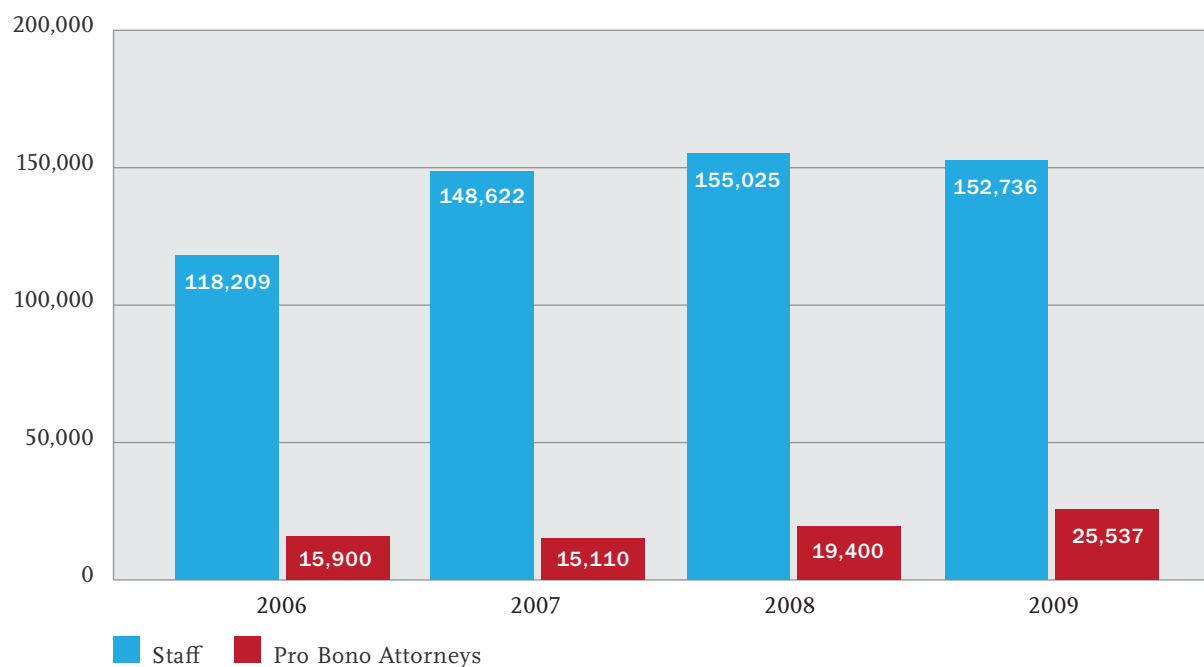
While the number of cases handled by pro bono lawyers is increasing, paid staff of legal aid organizations continue to address the great majority of problems taken on by the organizations funded by The Chicago Bar Foundation. Paid staff handled more than seven times the number of problems serviced by volunteers in each of the last four years.

The chart below does not represent a comprehensive picture of the total amount of pro bono work performed by private attorneys. Only the work that is performed under the auspices of organizations within Cook County's pro bono and legal aid system is included. Many attorneys and law firms take pro bono cases from sources independent of an organized pro bono program within the legal aid delivery system, such as court appointments, death penalty or wrongful conviction cases from law school clinics, or referrals from other attorneys or acquaintances. Thus, the total amount of pro bono provided by Chicago's legal community is much larger than what is reflected in this chart.

Pro bono lawyers play an important role in meeting the needs of low-income Chicagoans, contributing both their time and money to support the pro bono and legal aid system. In the past three years, the number of pro bono cases handled by volunteer attorneys has increased by 69%. In 2009, pro bono attorneys handled over 25,000 cases through legal aid and pro bono programs in Cook County.

In the past five years, there have been a number of systemic efforts to improve pro bono participation and awareness of access to justice issues within the legal community. First, the Illinois Supreme Court has adopted rules requiring that attorneys annually report pro bono hours and financial contributions to legal aid (Rule 756(f)), and giving retired, inactive and corporate attorneys with limited status the ability to provide pro bono services under the auspices of a legal aid program (Rules 716 and 756). Another new rule, Rule 6.5 of the Illinois Rules of Professional Conduct (which became effective on January 1, 2010), will make it easier and more practical for lawyers to provide short-term, limited scope pro bono representation to people in need.

Cases Handled by Paid Staff vs. Pro Bono Attorneys



In addition, The Chicago Bar Foundation launched Leadership Circles for law firms, corporations and business partners to promote best practices on pro bono, giving and related issues involving access to justice. To date, over 40 law firms and corporations have signed on to one of these Leadership Circles. Also, The Chicago Bar Association and The Chicago Bar Foundation annually host the Pro Bono and Public Service Awards Luncheon and Pro Bono Week, both of which serve to highlight the unique role lawyers play in ensuring access to justice for low-income people and the extraordinary contributions of pro bono lawyers throughout Chicago.

In 2009, deteriorating economic conditions resulted in a short-term influx of mostly new attorneys from large law firms joining legal aid organizations for periods of several months to more than a year. To help bring staffing levels in line with diminished workloads, many large law firms delayed the start dates for incoming associates, provided stipends of up to half of starting salaries, and either encouraged or required these associates to volunteer in legal aid and public interest organizations. In Chicago, about 60 first-year associates joined more than 20 legal aid and public interest organizations in 2009. Legal aid organizations invested the time to train and supervise these new attorneys who were able to help the organizations meet growing client need. As law firms adjusted hiring practices to meet current need, significantly fewer deferred associates joined legal aid organizations in 2010.

Preliminary reports suggest that the extended placement experience was largely positive: legal aid organizations received much-needed assistance and the deferred associates gained skills and experience they would not have received as new associates in a large law firm. While it is too early to evaluate the impact of the deferral period on the deferred associates' careers and the long-term benefits to the law firms, law firms and their clients will benefit from the training and experience that the deferred associates gained during the deferral period.

The deferred associates trend is not expected to continue at significant levels in 2011 and beyond. Interested stakeholders, including law firms, legal aid organizations and The Chicago Bar Foundation, are exploring ways to leverage the positive deferral experience into sustainable long-term pro bono placement programs.

Discussion: How Are We Responding to Legal Aid Needs?

Legal aid organizations are providing more services for a growing number of legal problems brought to them by their clients. The stepped-up level of response is marked by shifts in the type of assistance toward brief services. This is accompanied by a growing number of persons getting legal information and other resources via the Internet. All of this adds up to a pro bono and legal aid system that is clearly undergoing an evolution in how it serves the public. Brief legal services and web-based information achieve economies of scale and allow relatively large numbers of persons to receive brief assistance and information, which in many cases is enough for them to effectively resolve their legal problems. Brief services also help to educate them about the legal issues they face and may make them more proactive when future issues arise.

However, brief advice and counsel is not sufficient for all low-income people with legal problems, particularly for the many matters that are too complex for a pro se litigant to handle on her own. These people may need a lawyer to represent them, regardless of whether or not litigation is involved. The continued expansion of services in these areas and for the many people in need of extended representation who currently are unable to obtain help, however, depends on increased levels of revenue, a topic that is addressed in the next section.

Legal Aid Funding Trends

Government currently is the largest provider of financial support to legal aid programs

A snapshot of funding sources for those legal aid providers supported by The Chicago Bar Foundation in 2009 shows that while government plays a less significant role overall than seven years ago, it is still the largest source of funding for this work. Federal and state government accounted for about 39 percent of funds, followed by foundations. Grants from The Chicago Bar Foundation were about five percent of all revenues, and grants from The Chicago Community Trust and affiliates in 2009 were about two percent.¹⁴

On the federal level, the primary source of funding for legal aid is through the Legal Services Corporation (“LSC”). LSC is the single largest source of funding for legal aid in Cook County. The LSC-recipient serving Cook County is the Legal Assistance Foundation of Metropolitan Chicago (“LAF”). In 2009, LSC awarded LAF \$7.15 million to support the provision of legal aid services in Cook County; thanks to an increase in overall LSC funding appropriated by Congress for 2010, LSC awarded LAF \$7.7 million in 2010.

Several legal aid programs in Cook County receive support from other federal sources. These are usually restricted to a specific purpose or to serve a particular population. For instance, the U.S. Department of Justice has made grants to various Cook County legal aid organizations to represent women in domestic violence matters. Other examples of this targeted federal support include the U.S. Department of Health & Human Services (to support in each state the protection and advocacy system that protects the rights of and advocates on behalf of persons with disabilities) and the U.S. Department of Housing & Urban Development (to support legal aid organizations that prevent homelessness).

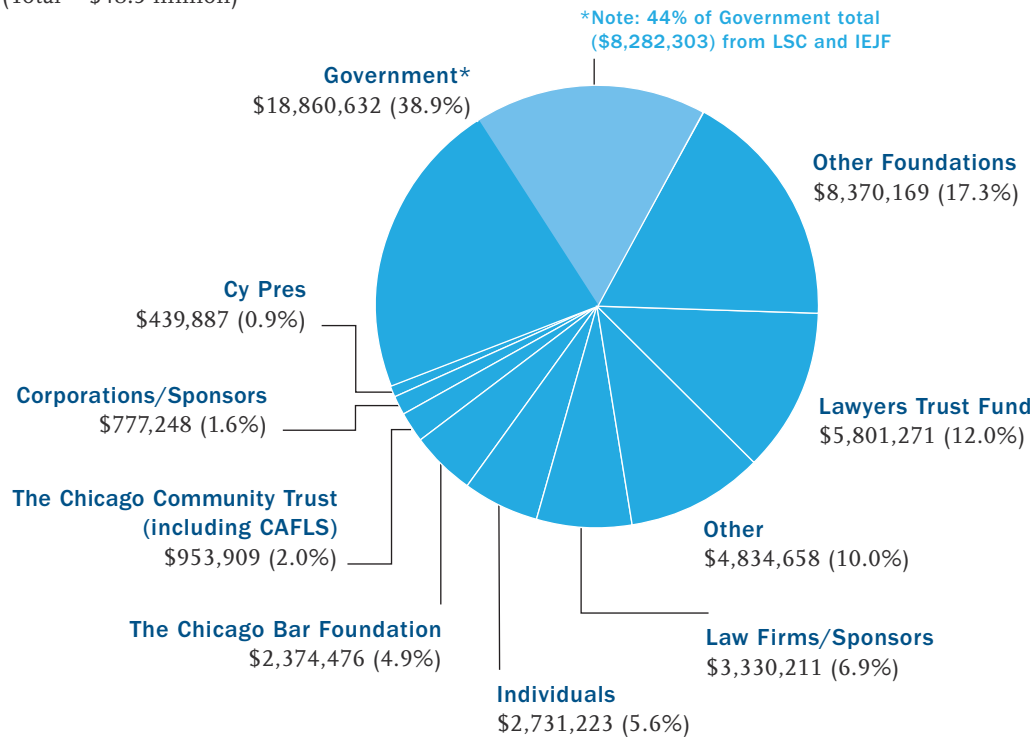
The primary source of legal aid funding from the state of Illinois is through the Illinois Equal Justice Foundation (“IEJF”). IEJF, created by the Illinois Equal Justice Act in 1999, funds legal aid groups statewide that engage in the following categories of assistance: 1) legal education to the public, 2) self-help legal assistance projects, 3) mediation services, 4) telephone advice and referral, and 5) civil legal assistance. In 2010, IEJF awarded \$1.67 million in grants statewide, about half of which were awarded to legal aid programs based in Cook County.

Legal aid organizations in Cook County also receive funding from other government sources, such as the Illinois Attorney General’s Office (domestic violence and crime victims assistance), the City of Chicago (homelessness prevention) and Cook County (court-based help desks and, starting in 2010, mortgage foreclosure mediation and legal services).

14.) These data are derived from reports of the pro bono and legal aid organizations funded by The Chicago Bar Foundation. The Chicago Community Trust also has funded a number of broader justice reform efforts, which are outside the scope of this report and therefore are not reflected in the charts in this section or within this report.

Cook County Legal Aid Providers' Revenue Sources: 2009

(Total = \$48.5 million)



This chart represents the revenue sources provided to the CBF by 36 pro bono and legal aid organizations in 2009. Refer to Appendix 1 for a list of these organizations. "Other" may include fees received from clients, attorney's fees from cases and ticket sales from special events.

Lawyers Trust Fund of Illinois is a major source of funding for legal aid in Cook County

The Lawyers Trust Fund of Illinois is a major source of funding of legal aid in Cook County and the single largest Illinois-based source of funding for legal aid. Established in 1983 by The Chicago Bar Association and the Illinois State Bar Association, Lawyers Trust Fund ("LTF") was created to administer the Interest on Lawyer Trust Account ("IOLTA") program in Illinois, which allows interest to be earned on lawyers' and law firms' pooled client accounts.

Prior to 2002, LTF received the bulk of its revenues from interest on these pooled funds, such as escrow funds, that attorneys hold for clients while matters are pending. IOLTA income by definition is dictated by interest rates. Between the periods of 1990–1992 and 2001–2002, the Federal Reserve significantly dropped the federal funds rate and banks in turn slashed the rates on lawyers' pooled trust accounts, resulting in net IOLTA income plummeting. In turn, LTF had to reduce its grants during these periods.

Recognizing the inherent instability of IOLTA revenue and the importance of providing a more consistent funding stream to fund legal services to the poor, in 2002, the Illinois Supreme Court adopted a rule that imposed a \$42 increase in the annual registration fee paid by Illinois attorneys. This increase was designated to LTF to support legal aid programs and now annually generates a little more than \$2.6 million.¹⁵

15.) See www.ltf.org.

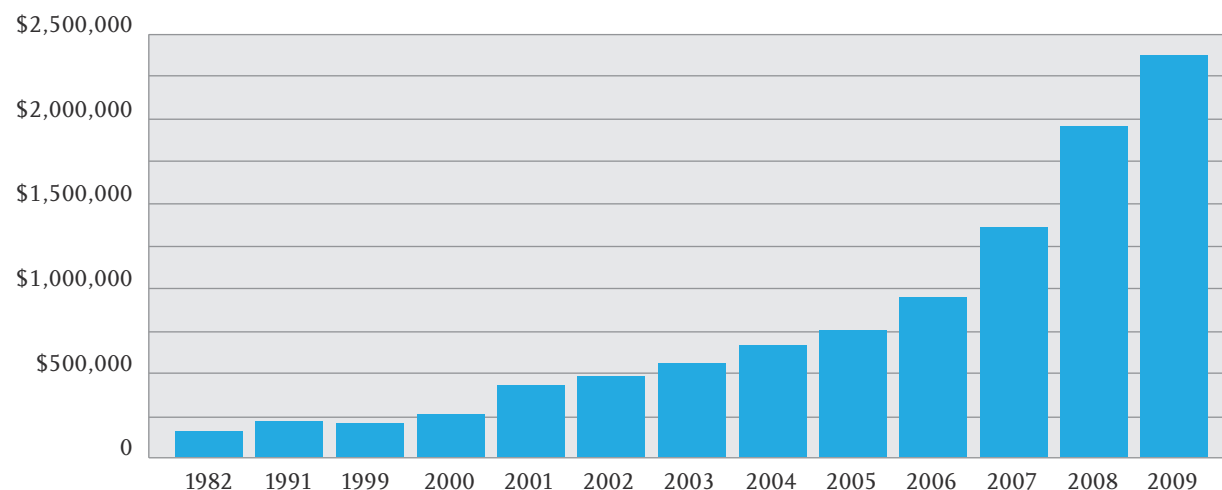
Since this time through 2009, LTF saw its grants to legal aid organizations increase, due to revenue from higher interest rates and income from the \$42 legal aid fee. In 2009, LTF made a record \$12.5 million in grants to legal aid organizations statewide. Of this, about \$6 million was awarded

to legal aid programs in Cook County. Because of historically low interest rates, IOLTA revenue declined dramatically during 2009 and 2010, reducing the Lawyers Trust Fund's revenues. LTF had previously built up reserve funds when IOLTA income was higher. These reserve funds helped stabilize the declining revenues, and minimized the initial cuts in funding to legal aid organizations. In 2010, LTF awarded grants totaling \$8.1 million, about \$4.28 million of which was awarded to legal aid organizations based in Cook County.

Chicago Bar Foundation giving has increased substantially

Grants from The Chicago Bar Foundation have increased substantially in recent years. Grantmaking in 2009 equaled almost \$2.4 million, more than double the amount only three years earlier. Much of the growth in the CBF's grants is attributable to funds raised during the CBF's annual Investing in Justice Campaign and a growing awareness about the importance of pro bono and legal aid within Chicago's legal community. The Campaign, first launched in 2007, raised a record \$1.12 million in 2010 from individuals in Chicago's legal community. The Chicago Bar Foundation uses one hundred percent of the funds raised for grants to Cook County pro bono and legal aid organizations.

CBF Grants To Legal Aid by Year



Note: The CBF's fiscal year is June 1. 2008 does not include one-time salary increase grants of \$961,000 awarded by the CBF through its 1st annual Investing in Justice Campaign.

Funding from foundations has increased over time, but these funds are not evenly distributed among all the pro bono and legal aid organizations in Cook County

Foundations that have broader missions outside of funding access to justice continue to support Cook County's pro bono and legal aid organizations. Examples of "Other Foundations" include local foundations such as the Polk Bros. Foundation (which in 2009 awarded just under \$1 million to pro bono and legal aid organizations in Chicago), as well as national foundations. Apart from Polk Bros. Foundation, most of these foundation grants are geared towards larger advocacy/policy efforts in a particular area or on behalf of a particular population (such as immigration/human rights issues or

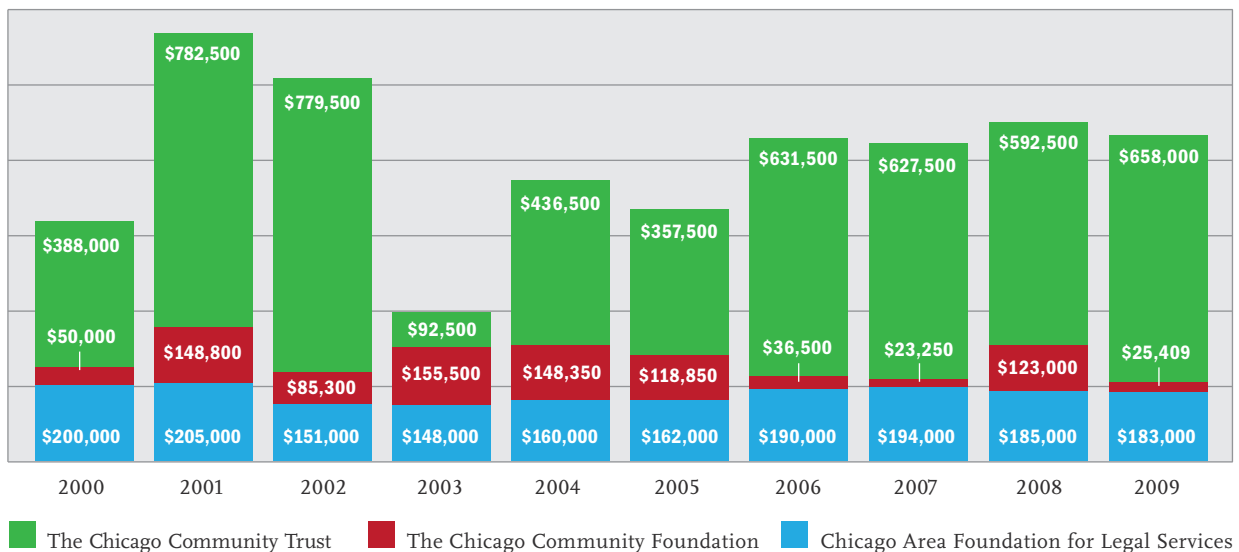
advocacy to improve access to health care for low-income people) or direct services targeted to a specific purpose (e.g., mortgage foreclosure or other housing issues, domestic violence). Many of these funders support pro bono and legal aid organizations because they understand that legal aid is an important component of our community's safety net.

It is important to note, however, that funds awarded by these other foundations are not evenly distributed among Cook County's pro bono and legal aid organizations. Some organizations receive a disproportionate share due to a certain focus of their work (e.g., housing) or type of work (e.g., advocacy). Pro bono and legal aid organizations that work on issues aligned with a funder's strategic priorities tend to receive more support from that funder than those that do not.

Giving by The Chicago Community Trust and affiliated funds ranges from \$400,000 to \$1.2 million annually over last decade

Overall giving to legal aid by The Chicago Community Trust and its affiliates, including the Chicago Area Foundation for Legal Services, is up over time but fluctuated during the last decade, from a low of \$380,000 to a high of \$1.2 million.

CCT Grants to Legal Aid in Cook County by Source and Year



Note: CCT also has funded a number of broader justice reform efforts, which are outside the scope of this report and therefore are not reflected in this chart.

The legal community is a significant source of funding for legal aid in Cook County

Chicago's legal community is a significant source of funding for pro bono and legal aid organizations. In addition to financial support, legal community contributions include the many thousands of hours of time spent by lawyers on pro bono cases, in-kind contributions from law firms and corporate legal departments, the many contributions from bar associations and their associated foundations, and a variety of assistance from area law schools.

The legal community's support overlaps several of the categories as shown in the table on the next page, making the legal community's total financial contribution to support legal aid in Cook County somewhat challenging to calculate. A modest estimate is about 18% for 2009. This figure includes 1) contributions to The Chicago Bar Foundation, 2) law firm contributions, 3) individual contributions from the legal community, which make up the vast majority of the individual contributions to legal aid, and 4) the \$42 annual attorney registration fee administered by Lawyers Trust Fund (in 2009, this equaled approximately \$1.8 million from Cook County lawyers).

Government's share of funding for legal aid is declining while the share of support for legal aid from the legal community and other funding sources grew during the past 10 years

Reports from 18 grantees of The Chicago Bar Foundation permit comparison of legal aid funding sources in 1994, 2003 and 2009. Refer to the graph below. During that period the total amount of revenues received by legal aid providers in Cook County grew from \$18.9 million in 1994 to \$39.1 million in 2009. This reflected both increased revenues among groups that existed in 1994 and the establishment of new legal aid providers.

Across the 1994–2009 time period the role of government funding diminished notably. Funds from government agencies were nearly 59 percent of legal aid revenues in 1994 but only 39 percent by 2009. This was due in large part to two factors—significant growth in many other sources of funding for legal aid and, when adjusting for inflation, a significant reduction of federal funding from the Legal Services Corporation.

During the same time period, several other funding sources rose. The Lawyers Trust Fund saw its grants rise during this period, due to increased revenue from higher interest rates as well as income from the \$42 legal aid fee that Illinois lawyers pay to the Attorney Registration & Disciplinary Commission as part of their annual registration process (implemented in 2002). In addition IEJF first began awarding grants in 2001 (just under \$500,000 statewide); in 2008 IEJF awarded \$3.36 million statewide, the highest amount awarded to date in the foundation's history. Support from the legal community also increased dramatically during this period. As a source of financial support The Chicago Bar Foundation became increasingly significant. The foundation, which derives its revenues from members of the legal community, was the source of one percent of 1994 revenue and six percent in 2009. Individual lawyer and law firm contributions made directly to the various pro bono and legal organizations also increased over the same time period.

Legal Aid Funding Sources for Selected Organizations — 1994, 2003 and 2009

	1994	2003	2009
Government	\$11,093,980	\$12,794,034	\$17,260,248
The Chicago Community Trust	295,583	528,000	953,909
The Chicago Bar Foundation	182,718	552,900	2,374,476
Lawyers Trust Fund of Illinois	1,254,115	1,819,340	5,799,271
Other Foundations	2,880,611	3,624,316	5,078,140
Other	1,926,081	2,279,539	3,143,605
Individuals	370,948	655,302	1,411,941
Law Firms/Sponsors	810,315	1,311,781	2,636,576
Corporation/Sponsors	134,030	213,218	451,199
Total	\$18,948,381	\$23,778,430	\$39,109,365

Based on the 18 pro bono and legal aid organizations for whom data was available for the periods highlighted. Data collected by Lawyers Trust Fund of Illinois (1994 and 2003) and The Chicago Bar Foundation (2009).

Names of the 18 organizations as follows:

- AIDS Legal Council of Chicago
- Cabrini Green Legal Aid
- CARPLS
- Center for Disability & Elder Law
- Chicago Legal Advocacy for Incarcerated Mothers (CLAIM)
- Chicago Legal Clinic
- Chicago Volunteer Legal Services
- Community Economic Development Law Project
- Domestic Violence Legal Clinic
- Equip for Equality
- Evanston Community Defender
- Health & Disability Advocates
- Lawyers' Committee for Better Housing
- Legal Aid Bureau
- Legal Assistance Foundation of Metropolitan Chicago
- Life Span
- National Immigrant Justice Center
- Uptown People's Law Center

**Legal Aid Funding Sources for Selected Organizations — 1994, 2003 and 2009;
Adjusted for Inflation**

	1994	2003	2009
Government	\$16,168,202	\$15,022,230	\$17,260,248
The Chicago Community Trust	430,778	619,956	953,909
The Chicago Bar Foundation	266,290	649,192	2,374,476
Lawyers Trust Fund of IL	1,827,729	2,136,194	5,799,271
Other Foundations	4,198,160	4,255,523	5,078,140
Other	2,807,042	2,676,541	3,143,605
Individuals	540,614	769,429	1,411,941
Law Firms/Sponsors	1,180,941	1,540,239	2,636,576
Corporation/Sponsors	195,333	250,352	451,199
Total	\$27,615,089	\$27,919,657	\$39,109,365

All amounts presented in inflation-adjusted 2009 dollars

**All funding sources for legal aid were under pressure in 2009 and 2010,
with overall revenues declining**

With economic decline beginning in late 2008, all of the major sources of funding for legal aid were under stress at a time when demand for legal aid services was growing. As interest rates fell to historically low levels, so did LTF's income, which resulted in a reduction of grants by $\frac{1}{3}$ in 2009 from the peak the year before. In the last year, during the economic downturn, many other private and public foundations cut their rate of giving because of losses in their endowments.

Further, in 2009, the state slashed its appropriation to the Illinois Equal Justice Foundation by 50%—from \$3.5 million to \$1.75 million. Even prior to this reduction, the state of Illinois was investing less in civil legal aid than the national average. Of the ten most populous states, Illinois now ranks last when it comes to legal aid funding, spending \$1.75 million compared to the average of \$12.5 million. As a result of the 2009 budget reduction, Illinois lost a higher percentage of state funding for civil legal aid (50%) than most other states did.

In addition to reductions in their primary funding sources, many organizations struggled to maintain sufficient cash flows to maintain their current operations while awaiting overdue grant payments from the State of Illinois. This issue is discussed in more detail in the following section of the report.

Discussion: Legal Aid Funding Trends

Revenue sources prove to be another example of change occurring among legal aid providers, with overall revenue up substantially since the mid 1990s, and with notable shifts in the sources of revenue. Government giving as a portion of revenue is down sharply and foundation grants and legal community giving are up strongly. While the growth of these other funding sources is good news, the failure of the government to keep pace is a major cause for concern. One of the core responsibilities of the government is to ensure equal access to justice, one of our nation's most fundamental principles. One integral part of ensuring access to justice for all is providing adequate funding for civil legal aid, and government at all levels is falling far short of what is necessary and thereby perpetuating the large gap in access to justice that continues to exist.

Looking ahead, the need for government to do its part will become even more critical. The foundation community is constrained in its giving by performance of the equities markets and other investments, which have performed below historic averages in recent years, leaving open the question of whether philanthropic foundations can continue to shoulder increasing portions of giving to legal aid.

What is the State of Legal Aid Providers?

Providers struggle to fund their operations and maintain current service levels

The survey of legal aid providers asked respondents to describe challenges they may be facing internally, and whether those challenges are due to the economic downturn, or have existed for many years. The clear majority of respondents (17 of 23 responses) responded that they face funding pressures. Respondents commented that their “most significant challenge is to stabilize and maintain our budget.” They also noted “fear of potential layoffs has added stress to organizational culture.” A majority of responses (14 of 23) referred to the challenges of maintaining their staffing levels, citing the challenge of “budgetary issues, including (a) hiring freeze and salary freeze for past 2 years.”

A minority of responses noted problems specifically with maintaining administrative support staff. “Hiring stable administrative staff is possibly our biggest challenge.” “(We are) under-resourced in terms of staff size. We need more clerical support.”

Economic recession plays large role in challenges faced by providers

The recent economic recession has significantly hampered providers’ ability to offer legal aid, according to providers surveyed for this report. One legal aid professional noted that their organization’s challenges were “absolutely the result of the economic downturn.” Said another “the foundations (are) all pulling back a bit which has reduced our funding by 20–30%... staff seem to be busier and more stressed.” Twelve of 22 respondents described the recession as a source of current challenges.

Seven of the respondents said there have always been challenges, but the recession has worsened them: “The salaries and increasing demand have existed for many years; the technology and declining revenue issues are new. All are made worse as a result of the economic downturn.”

Many pro bono and legal aid organizations that receive funding from the State of Illinois struggle to maintain sufficient cash flow to maintain their current operations while awaiting long overdue payments. Grantees of IEJF and other legal aid providers that receive state funds for other services, such as legal aid services for domestic violence victims, had to wait many months to receive their 2009 and 2010 grant payments. Recent data released by the Illinois Partners for Human Services indicates that Illinois owes nonprofits across the state almost \$500 million. Many of Cook County’s pro bono and legal aid organizations have relied on their reserves to buffer the impact of these payment delays, but their reserves are not limitless. Given the state’s immense structural deficit, there are no signs that these pressures will abate in the near-term.

About 300 full-time lawyers work in Cook County's pro bono and legal aid system

Legal aid attorneys are the pro bono and legal aid system's greatest asset. However, they are a precious resource in limited supply. As of 2010, there are only about 300 full-time equivalent legal aid lawyers in Cook County to serve the legal needs of more than 1.3 million low-income County residents.

"I think funding challenges have become more acute due to the economic crisis...foundations [are] all pulling back a bit which has reduced our funding by 20–30% but we have been able to use reserves to fill the gap for now. The client base seems to be increasing and staff seems to be busier and more stressed in the past year or so."

— LEGAL AID PROVIDER

Legal aid attorney salaries improving

In 2006, The Chicago Bar Foundation and the Illinois Coalition for Equal Justice released *Investing in Justice: A Framework for Effective Recruitment and Retention of Illinois Legal Aid Attorneys*, which explored the factors impacting legal aid attorney recruitment and retention in Illinois. The study found that almost half of Illinois' legal aid attorneys planned to leave their positions in the next three years.¹⁶ Very low salaries offered by legal aid organizations in relation to comparable public service positions, such as those in the state's attorney's and public defender offices, significantly contributed to turnover. The study demonstrated that while legal aid salaries have always been lower than those offered in private practice, salaries at government agencies outpaced salaries offered by Cook County legal aid organizations, with the gap widening as attorneys gained more experience and responsibility. This is a meaningful difference, as most attorneys planning to leave indicated that closing that gap would be enough for them to be financially able to stay if some loan repayment assistance was available to them and other factors identified in the study were also addressed. The study found that other concerns also contributed to turnover, including human resources and management practices and professional development opportunities.

While some turnover is healthy, the study further found that significant turnover comes with costs that are considerable to legal aid organizations but also to the clients they serve: in 2006, the cost of losing 10% of the state's legal aid attorneys was estimated at \$1 million per year and almost 10,000 fewer clients being served.

Stakeholders in the pro bono and legal aid delivery system had accepted the inadequate salaries, resigned that this is way it had to be. While there was broad consensus in support of raising salaries as recommended in the study, the trends that created the huge salary disparities between legal aid lawyers and their public service peers were entrenched in the system. A distorted and self-perpetuating salary "market" had developed in legal aid over a long period of time, and the system was in need of a jolt to get this initiative started. For that reason, the CBF spearheaded a communitywide effort in 2007 to jump start the process.

16.) The Chicago Bar Foundation and the Illinois Coalition for Equal Justice. (November 2006). *Investing in Justice: A Framework for Effective Recruitment and Retention of Illinois Legal Aid Attorneys*.

At the time the study was released, the CBF was starting the preparations for its first annual Investing in Justice Campaign, a special initiative each year in March when Chicago's legal community comes together to raise funds to support Chicago's pro bono and legal aid system. For the inaugural Campaign in 2007 the CBF decided to focus exclusively on the growing crisis identified by the Investing in Justice study. The study underscored that addressing this growing crisis was the most immediate priority to achieve the Campaign's longer-term goal of building the capacity of Cook County's pro bono and legal aid system.

Nearly 2,000 lawyers in private practice in the Chicago area responded enthusiastically to the call to action, contributing a total of more than \$900,000 towards the goal of increasing legal aid salaries. The inaugural Campaign and the special CBF grant process that followed it delivered the jolt needed to head off the legal aid salary crisis. The CBF used 100% of the funds raised in the first year of the Campaign for a special grant process that gave every legal aid attorney an immediate and meaningful salary increase and leveraged a longer-term commitment to bring legal aid salaries up to par with their public service peers.

As a condition of receiving these special grant funds after the first year of the Campaign, and as part of accepting the shared responsibility for increasing legal aid salaries going forward, all of the major pro bono and legal aid organizations serving the Chicago area developed and adopted a board approved plan to raise their attorney salaries to the level of comparable government service positions over the next 3–5 years and to address the other non-compensation issues impacting attorney retention identified by the study.

Other legal aid funders, including area law firms, government entities and foundations from within and outside the legal community also responded favorably to the challenge to increase legal aid salaries. Some foundations made special grants to boost salaries after the CBF started the process. Other funders, including CAFLS and the Polk Bros. Foundation, responded favorably to funding requests from pro bono and legal aid organizations that incorporated these overdue salary increases into their budgets. And the boards and other stakeholders for Chicago's pro bono and legal aid organizations have been very supportive as well, with a much greater awareness and commitment to the need to continue to improve salaries to recruit and retain the best and brightest in legal aid.

Legal aid salaries have increased since 2006 but are still not on par with comparable public sector positions.

All of these efforts have paid off despite the fact that the turn in the economy made the initiative far more challenging after the first year. From 2005 (the data point for the study) to 2010, Chicago's pro bono and legal aid organizations made significant progress on salaries. Three examples underscore that progress in the accompanying table.

Change in Median Chicago Legal Aid Salaries Since Time of the Study

Category	2005 Median Salary	2010 Median Salary*
Starting Staff Attorney	\$41,000	\$49,800
Managing Attorney	\$62,100	\$85,000
Executive Director	\$78,250	\$92,600

*Note that the 2010 salaries are not adjusted for inflation

With this progress, Chicago's pro bono and legal aid organizations are almost on par with their government service peers for starting salaries¹⁷, and have made meaningful advances in closing the gap with their more experienced lawyers. While the median salary for executive directors remains lower than relevant benchmarks, that number has significantly improved. Continued progress on the executive director salaries in legal aid is key for the overall salary initiative, as it became apparent after the study that unduly low executive salaries were one of the factors compressing legal aid attorney salaries.

The downturn in economy has slowed some of the progress made in the past four years.

Due to the economic downturn the progress on legal aid salaries has stalled a bit, with a number of organizations freezing salaries in 2010 in order to maintain current services. While some of the turnover pressures noted in the 2006 study have eased in the current climate, continuing to make progress on the salary plans will be critical for dedicated attorneys to be able to pursue and remain in careers in legal aid for the long term.

Discussion: What is the State of Legal Aid Providers?

Like many other nonprofits, pro bono and legal aid organizations have been hard hit by the economic downturn. All are facing funding pressures and declining revenues at the same time as demand for their services is at an all time high. Organizations that rely on state funding have also had to contend with significant delays in receiving state payments, resulting in added pressure on their cash flows. The economic downturn has also played a role in suspending some of the progress made in increasing legal aid attorney salaries to levels comparable with their public service counterparts. While the great majority of pro bono and legal aid organizations have been able to maintain attorney salary increases, most have frozen salaries in the last year in response to declining revenues. Looking ahead, continuing to progress on the salary plans previously adopted will be essential to the long term health of the pro bono and legal aid system.

17.) In 2010, the average starting salary for a comparable government attorney is \$52,710.

Conclusion

AS THE FOREGOING REPORT UNDERScores, Cook County's pro bono and legal aid system has made great progress over the past seven years, serving more than twice as many people in need with a broader range of services and providing innovative, user-friendly information and resources to many thousands more through Illinois Legal Aid Online. This progress would not have been possible without significantly increased funding from a variety of sources, with Chicago's legal community and foundations standing out for their growing share of financial support of pro bono and legal aid.

Despite this progress, the number of low-income people in Chicago and Cook County suburbs has grown, with over 25% the County's residents at or close to the poverty level in 2009. Even prior to the economic downturn, pro bono and legal aid providers struggled to meet the legal needs of this population. In 2010, pro bono and legal aid organizations report that demand for their services is rising at the same time most of their primary sources of revenue are flat or declining. While these organizations have gotten more efficient about delivering services to more people with limited resources, the need still outpaces the current capacity of the system. There is also substantial and growing demand for services among groups that have often been underserved in the past, such as immigrants, persons with disabilities, and others.

To close this still large gap in the availability of legal assistance to those in need, as a community we need to build on the successes of these past seven years to continue the progress towards creating a comprehensive and coordinated pro bono and legal system with sufficient capacity to meet the needs. The legal needs of low-income people can range from straightforward to very complex, thus necessitating that an integrated range of information and services must be fully available to meet them. The system requires strong pro bono and legal aid organizations, dedicated pro bono and legal aid attorneys with resources to do their work effectively and efficiently, and a user-friendly and accessible legal system. Without a well-supported system, thousands of low-income people will be left to solve complex legal problems on their own, which may result in loss of their home, personal safety or economic stability.

To continue this progress, Chicago's legal community, foundations and stakeholders will need to continue to build on their strong support of recent years. The findings of this report also suggest several areas worthy of increased attention by all stakeholders in the system:

- Redoubling efforts to educate and advocate with government at all levels about the need for adequate federal, state and local government funding to fulfill our nation's fundamental responsibility to ensure equal access to justice; in the current economic climate, achieving funding increases, particularly in state government, will be challenging
- Ensuring that there is a balance of services being provided by the pro bono and legal aid system and that the continued growth in the capacity to deliver necessary brief legal services is balanced with the need to increase capacity for extended legal representation
- Exploring innovative ways to increase the availability of services for the growing number of low-income people living in the suburbs

- Investigating ways to improve the communicative and cultural competencies that would permit pro bono and legal aid organizations to serve more populations and communities (such as improving availability of interpreters)
- Maintaining the progress and continuing to move forward on the human resources and salary plans previously adopted by pro bono and legal aid organizations will be essential to the long-term health of the pro bono and legal aid system; although the current economic climate has made progressing on the salary plans more challenging in the short-term, this should be a priority for pro bono and legal aid organizations and their funders going forward when the economy starts to recover
- Continuing to look at ways to efficiently and effectively incorporate pro bono lawyers and legal professionals into the pro bono and legal aid system

The great progress over the past seven years provides momentum for these efforts going forward; given the growing needs in the community these efforts are as important as ever.

Appendix 1: Pro Bono and Legal Aid Organizations in Cook County

Pro Bono and Legal Aid Organizations in Cook County Funded by The Chicago Bar Foundation

As of November 2010 (*Denotes Grantee of Chicago Area Foundation for Legal Services in 2009)

- Access Living – Civil Rights Project
- AIDS Legal Council of Chicago*
- Cabrini Green Legal Aid (CGLA)*
- CARPLS (Coordinated Advice & Referral Program for Legal Services)*
- Center for Conflict Resolution (CCR)
- Center for Disability & Elder Law
- Center for Economic Progress – Tax Clinic
- Centro Romero – Latin American Legal Assistance Services
- Chicago Coalition for the Homeless – Law Project*
- Chicago Lawyers’ Committee for Civil Rights Under Law*
- Chicago Legal Advocacy for Incarcerated Mothers (CLAIM)*
- Chicago Legal Clinic (CLC)*
- Chicago Volunteer Legal Services (CVLS)*
- Community Economic Development Law Project (CEDLP)*
- Domestic Violence Legal Clinic
- Equip for Equality
- The Family Defense Center
- First Defense Legal Aid
- Health & Disability Advocates (HDA)
- Illinois Legal Aid Online
- James B. Moran Center for Youth Advocacy
- Lambda Legal – Midwest Regional Office
- Latinos Progresando – Immigrant Legal Services
- Lawyers’ Committee for Better Housing (LCBH)
- Lawyers for the Creative Arts (LCA)
- Legal Aid Bureau of Metropolitan Family Services (LAB)*
- Legal Assistance Foundation of Metropolitan Chicago (LAF)*
- Life Span – Center for Legal Services & Advocacy
- Midwest Center on Law & the Deaf (MCLD)
- National Immigrant Justice Center (NIJC)*
- Public Interest Law Initiative (PILI)
- The Roger Baldwin Foundation of the ACLU Children’s Initiative
- Sargent Shriver National Center on Poverty Law
- Uptown People’s Law Center*
- Working Hands Legal Clinic

Appendix 2: Legal Services in the Collar Counties

GIVEN THE EXTENSIVE INTEGRATION AMONG the counties that make up metropolitan Chicago, in this Appendix we provide information on services in the collar counties to contribute toward a complete picture of legal services in the region.

The collar counties appear to be underserved

Data for legal services in the collar counties of the metropolitan area are derived from the Lawyers Trust Fund, which supports activities of Prairie State Legal Services (covering DuPage, Kane, Kendall, Lake, McHenry & Will) and DuPage Bar Legal Aid Service. Complete data are available only through 2008.

The total legal problems served by the providers in the collar counties dipped between 2007 and 2008, by about 350 problems. As suggested by these numbers, the scope and scale of collar-county services are much smaller than in Cook County, which served almost 180,000 problems in 2009. In fact, while some 16 percent of the population below poverty in the six-county metro area resides in the collar counties, those counties are the source of only 6 percent of the legal services included in this report, suggesting that collar counties are relatively underserved by legal aid.

The role of pro bono volunteers was also more limited in the collar counties than in Cook. In the former, paid staff handled at least 12 times the problems that volunteered did, while in Cook the ratio was about 7 to 1. The types of problems and services given to persons showed either flat trajectories or a decline since 2007.

Legal Services in Collar Counties

	2005	2006	2007	2008
Legal Problems				
Total	6,530	7,209	8,337	8,072
Staff	n/a	6,781	7,754	7,493
Pro Bono	n/a	428	583	579
Consumer/Finance/Utility	856	855	1,037	1,072
Education	28	39	56	41
Employment	111	93	140	175
Family	2,604	3,115	3,434	3,203
Health	312	281	295	301
Housing	1,586	1,838	2,165	1,867
Immigration	—	3	2	4
Individual Rights	49	36	47	46
Juvenile	14	23	44	117
Public Benefits	594	507	449	596
Other	377	411	668	560
Legal Services				
Total	6,530	5,602	8,337	8,187
Brief Service	4,959	5,477	6,176	6,590
Representation w/o Litigation	398	444	604	175
Administrative Hearing	114	128	149	136
Litigation	1,059	1,160	1,408	1,286

Note: In some years, either types of legal problems or types of legal services may not sum to reported totals due to discrepancies in reporting.